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IN THE

Supreme Court of the United States

October Term 1961

No. 545

WILLIAM J. McCLURE
Petitioner

vs.

McCAUSLAND MOTORS, INC.
Respondent

PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME COURT OF PENNSYLVANIA

WILLIAM J. McCLURE, pro se
99 Lansdowne Court
Lansdowne, Pennsylvania

TABLE OF CONTENTS

Page

Opinion Below 1

Question Presented 2

Constitution Amendment Involved 2

Statement of the Case 2

Reasons for Granting the Writ 5

Conclusion 5

Appendix

A. Docket Entries, Opinion Below 6

B. Text of Constitution Amendment Involved 8

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PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME COURT OF PENNSYLVANIA

WILLIAM J. McCLURE, pray that a Writ of Certiorari issue to review the judgment of the Supreme Court of Pennsylvania in this case.

OPINION BELOW

Petitioner filed case until the courts, the Bar Association, or he found himself counsel. In lieu of counsel, he would represent himself before the Court, before this case was dismissed, under his constitutional rights to represent self. No counsel will represent him; possibly it takes an Act of Congress to get what he wants. He petitioned the Supreme Court of Pennsylvania, by letter, to keep this case on Court Docket until some lawyer would argue it.

In Supreme Court of Pennsylvania, No. 17 Allocatur Docket No. 4. Petition denied Per Curiam June 16, 1961.

QUESTION PRESENTED

Thomas C. Gawthrop, Esq., who was counsel for the Defendant, may bring out in trial that one Major Joseph W. Messey, United States Army Medical Corps, in this trial June 20, 1956. "I took part in the invasion June 6, 1944"? This invasion being Normandy.

CONSTITUTION AMENDMENT INVOLVED

United States Code Annotated Constitution Amendment 14 to end Amendment XIV, Pages 2 and 3 (Appendix B.).

STATEMENT OF THE CASE

The Defendant-Respondent in this case is McCausland Motors, Inc.

The Plaintiff the Petitioner herein, William J. McClure, carpenter, citizen and veteran World War II, Carpenter's Mate Second Class United States Naval Reserve, Serial No. 920-90-05. Tour of duty: Cherbourgh, Normandy and Buckner Bay in Okinawa. Honorable Discharge November 11, 1945.

Associate Justice William J. Brennan, Jr., of the Supreme Court of the United States, saw fit to extend filing time to and including November 13, 1961

Presuming that Associate Justice William J. Brennan, Jr., saw something of interest to the Supreme Court of the United States, Petitioner is reprinting majority of same under "Statements of Case." in lieu of his lack of knowledge of the law.

As a veteran and citizen, Plaintiff requests permission of Court to pay fee, to place case on Docket, to keep it active for counsel to argue, in the interests of the morale of the United States Military Forces and public in general.

Filing case to contact Attorney General of the United States and the Attorney General of Pennsylvania, to see if there is some Serviceman's Act, these government agencies might act, in the interests of the vast majority of veterans, commissioned and enlisted, without law or medical degrees. Again, Court may be able to make ruling on ten certified photostats page 30 of court testimony without counsel.

Judge Thomas C. Gawthrop, who was counsel for the Defendant, brought out in trial that one Major Joseph W. Messey,

United States Army Medical Corps, in this trial June 20, 1956. "I took part in the invasion June 6, 1944." This invasion being Normandy.

The Plaintiff claims that Judge Thomas C. Gawthrop erred in bringing out this type testimony in a Civil Court in a Civil Suit. Plaintiff contends this is unwarranted specal privilege to a profession who already have a powerful special privilege in their Medical Opinion. These men should be as mute as any veteran about war experiences, and give scientific testimony.

Plaintiff feels this testimony is an infringement on his Constitutional rights, as a veteran and citizen, to be given a fair trial, and violates the fourteenth Amendment guaranteeing equal protection of the laws. Probably there are other laws and veterans' acts.

The lawyers for the defendant and Plaintiff could not settle out of Court due to poor ethics of two corporation doctors. Dr. Joseph W. Messey, representing McCausland Motors, and Dr. J. Evan Scheehle, my doctor for 23 years. Discharged by me for his conduct in this case. Judges have to step out of case because of conflict of interest, but Doctor Scheehle proceeded to usurp the power of Judge and Jury, writing his reports to suit corporations at patient's expense.

Dr. Joseph W. Messey came into my apartment November 15, 1953, stating "you had these pains before the accident," put pressure band on arm, saying "you have radiating pains into the groin. You have prostatitis." Tempers becoming more violent, pulling pressure band off my arm. He ran out of door of apartment yelling "go ahead; we'll beat you." He should have reported he failed to make examination. Dr. Joseph W. Messey upon cross examination by plaintiff's counsel, Lawrence E. MacElree, Esq., on page 38 of testimony, admits he made no prostatic examination. Why, because he knew condition does not exist. Dr. William A. Morton, Jr., of Chester County Hospital, having found the condition non-existent. I will be 52 years of age on December 5 and have yet to experience radiating pains into the groin. This was purely fictional on the doctor's part, as the rest of his medical examination was.

Since the Defendant resorted to military type of testimony, the Supreme Court of the United States should send the plaintiff, a veteran, to a Veterans' Hospital for a full and

complete report to the Court as to what my condition really is. This case shows the need of a panel of doctors in Pennsylvania.

X-ray of supposedly complete spine taken August 18, 1953, Fitzgerald-Mercy Hospital, Darby, Pennsylvania. This is Doctor J. Evan Scheehle's Hospital. Dr. C. Fred Goeringer took X-rays of base of spine June 19, 1954, in his office, finding spondylolisthesis, a birth injury. This injury was aggravated by the accident $841.00 damage to my car smashed in between two cars in line of traffic in a very violent accident.

Dr. J. Evan Scheehle, Medical Officer United States Navy World War I, discharges me period July 22, 1953 to July 26, 53, page 13 of court testimony. Gave me three days off from work. This supposed family doctor in a very violent accident never examined me, just changed bandage on left lower leg, saying "I know you have no back injury." Returning to his office March 12, 1954 to get medical report. I informed him that his staff Orthopedic Specialist, Dr. C. Fred Goeringer had given me treatments for whip lash and back pains. Dr. Scheehle said "Dr. Goeringer can report what he wants, but I reported something else and can't change my report."

Did my doctor of 23 years report me as a Fraud without having a doctor's permission slip from his patient for the benefit of his corporation? Doctor Scheehle was retained and possibly still is by the Red Arrow Lines, Delaware County, Pa. The representatives of McCausland Motors represent a phase of the Red Arrow Lines. Doctor Scheehle told me they "represented him in an accident and Mrs. Fox was a wonderful person to deal with." Last time I saw Doctor Scheehle, March 12 1954, he said "I beg you, as a friend, to settle up—you will wind up with nothing." I asked him "for what? They have offered me nothing." I went down to their office a few days later with bill for $1,114.00, plus money to cover any future medical or surgical bills, etc. They laughed at me and said "we are not worried about you." No offer. I left and retained Lawrence E. MacElree, Esq. They offered us $500.00 in June 1954 after Dr. Goeringer found the spondylolisthesis.

Could it be that there is a conflict of interest here my ex-doctor is also an examining doctor for McCausland Motors representative?

What was my so-called family doctor Scheehle up to?

He refused to report a back and whip lash injury, saying: "he knew I had no back injury," reported in period of so-called treatment, July 22, 1953 to July 26, 1953. Allowed no period of observation in violent accident. Pennsylvania State compensation Board allows one year to diagnose patient and injuries. Overruled his own staff, Doctor Goeringer, who treated me for back pains, whip lash, and found birth injury to spine. We lost all doctor bills: $278.00.

I was examined by Doctor Z. B. Friedenberg, Chester County Hospital, finding birth injury on April 16, 1957, recommending spinal fusion for chronic recurrent painful back. Operation at this time: $400.00, one month in hospital, three months more, a total of four months to return to work as carpenter, presuming operation was successful.

This back condition still exists, getting pains in base of spine working up to center of back on occasion. The Court will find my Navy physical record good, being in General Service classification, and an Honorable Discharge.

I have reported these men's conduct to the Delaware County, Philadelphia and Pennsylvania Medical Societies, without result.

REASONS FOR GRANTING THE WRIT

As a citizen by birth and a veteran of World War II, Petitioner desires to have court place curbs on all irresponsible Military Type Testimony by Doctors, force them to testify as Civilian Doctors in Civilian Practice in Civilian Courts. Civilian practice in the majority of their cases, is the majority of their experience, as civilian carpenter is mine.

This testimony "I took part in the invasion June 6, 1944," Petitioner would say, was highly unethical for an Officer and Gentleman of the United States Military Services to lend Rank and Invasion Experiences on behalf of his corporation to influence jury deciding verdict for Petitioner.

CONCLUSION

For all the foregoing reasons this petition for Certiorari should be granted.

WILLIAM J. McCLURE, pro se
99 Lansdowne Court
Lansdowne, Pa.

APPENDIX "A"

COMMONWEALTH OF PENNSYLVANIA

CHESTER COUNTY, SS.

Among the Records and Proceedings of the Court of Common Pleas, in and for the County of Chester, in the State of Pennsylvania, it is thus contained,

DOCKET ENTRIES

Of September Term, 1954, No. 62

TRESPASS

WILLIAM J. McCLURE

vs.

McCAUSLAND MOTORS, INC.

Sept. 28, 1954: Complaint filed.
Oct. 13, 1954: Order of appearance for Defendant filed.
Oct., 11, 1954: Sheriff Ret. Served John Cosgrove, Office Mgr., at place of Business at Schuylkill Twp., Chester Co., Pa., in Sept. 30, 1954.
Oct. 6, 1955: Order to List Case for Trial filed.
Dec. 8, 1955: Order to List Case for Trial filed.
June 20, 1956: Jury qualified & empanelled.
Eodie: Verdict for Plaintff against deft. in sum of $274.40.
June 22, 1956: Motion for New Trial filed.
Aug 7, 1956: Notes of Testimony filed.
Nov. 1, 1956: Order to List Case for Nov. T. of Arg. Court filed.
Nov. 26, 1956: Motion of Lawrence MacElree to withdraw his appearance is made. Motion is allowed. Case is continued.
Nov. 29, 1956: Case is listed for Jan. 1957 Argument Court.
Jan. 14, 1957: Continued.
March 30, 1957: Order to List Case for Argument to April Term.
April 15, 1957: Stipulation of Counsel filed.
Dec. 27, 1957: Order to List Case for Jan. 1958 Term of Arg. Court filed

Jan. 4, 1958: Order of appearance for Pltf. filed.

Jan. 6, 1958: Continued.

April 18, 1958: Order to List Case for June Term of Arg. Court filed.

May 16, 1958: Withdrawal of appearance for Pltf. filed, by Thomas R. Butler, Esq.

April 28, 1959: Order to List Case for June Term of Arg. Court filed.

April 9, 1960: Order to List Case for April Arg. Court filed by the Court.

May 2, 1960: Opinion filed.

Eodie: Court Order filed. And now, May 2, 1960, the motion for a new trial is denied and a new trial refused. S Joseph F. Harvey, J. Honorable Thomas C. Gawthrop, P.J., took no part in the argument or consideration of this matter.

May 9, 1960: Praecipe for Judgment on the verdict filed.

Eodie: Judgment on the verdict is entered in favor of William J. McClure in the sum of $274.40 against McCausland Motors, Inc.

May 19 1960: Certiorari on the matter of the Appeal of William J. McClure filed.

April 6, 1961: Order from the Superior Court filed: "And now March 22, 1961: Appellant having failed to comply with the provisions of Rule 45, the Appeal is dismissed—

Per Curiam"

May 5 1961: Supplemental Certiorari is filed. Returnable forthwith.

Sept. 11, 1961 Notice of intention to appeal to the Supreme Court of the United States filed

CHESTER COUNTY ARGUMENT COURT OPINION AND ORDER

Chester County En Banc Court Opinion and Order May 2nd. 1960. Dr. Joseph W. Messey's Testimony in Normandy Invasion June 6, 1944 clearly relevant to his professional qualifications, to the Jury. Page 8.

APPENDIX "B"

United States Code Annotated Constitution Amendment 14 to End.

AMENDMENT XIV. Pages 2 and 3

Section 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial offices of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the numbers of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Section 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each house, remove such disability.

Section 4. The validity of the public debt of the United States, authorized by law, including debts incurred for pay-

ment of pensions and bounties for services in suppressing insurrection or rebellion shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

Section 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.